

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Criminal, Civil and Public Policy, to which was referred House Bill No. 1349, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between lines 12 and 13, begin a new paragraph and insert:
2 "SECTION 3. IC 34-12-3-3, AS ADDED BY P.L.19-2001,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]:Sec. 3. Except as provided in ~~section 5~~ **section 5(1)**
5 **or 5(2)** of this chapter, a person may not bring an action against a
6 firearms or ammunition manufacturer, trade association, or seller for:
7 (1) recovery of damages resulting from, or injunctive relief or
8 abatement of a nuisance relating to, the lawful:
9 (A) design;
10 (B) manufacture;
11 (C) marketing; or
12 (D) sale;
13 of a firearm or ammunition for a firearm; or
14 (2) recovery of damages resulting from the criminal or unlawful
15 misuse of a firearm or ammunition for a firearm by a third party.
16 SECTION 2. IC 34-12-3-5, AS ADDED BY P.L.19-2001, SECTION
17 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
18 PASSAGE]: Sec. 5. Nothing in this chapter may be construed to
19 prohibit a person from bringing an action against a firearms or

1 ammunition manufacturer, trade association, or seller for recovery of
2 damages for the following:

3 (1) Breach of contract or warranty concerning firearms or
4 ammunition purchased by a person.

5 (2) Damage or harm to a person or to property owned or leased
6 by a person caused by a defective firearm or ammunition.

7 (3) Injunctive relief to enforce a valid statute, rule, or ordinance.

8 **However, a person may not bring an action seeking**
9 **injunctive relief if that action is barred under section 3 of**
10 **this chapter."**

11 Page 1, line 16, delete "Immunity of Firearm Owner if Firearm Used
12 in a" and insert **"Immunity for Misuse of a Firearm or Ammunition**
13 **by a Person Other Than The Owner"**.

14 Page 1, delete line 17.

15 Page 2, line 2, after "to" insert **"the use of"**.

16 Page 2, line 2, delete "owned or controlled by the person," and insert
17 **"or ammunition for a firearm by another person if the other**
18 **person directly or indirectly obtained the firearm or ammunition**
19 **for a firearm through the commission of the following:**

20 (1) **Burglary (IC 35-43-2-1).**

21 (2) **Robbery (IC 35-42-5-1).**

22 (3) **Theft (IC 35-43-4-2).**

23 (4) **Receiving stolen property (IC 35-43-4-2).**

24 (5) **Criminal conversion (IC 35-43-4-3)."**

25 Page 2, delete lines 3 through 4, begin a new paragraph and insert:

26 **"Sec. 2. The provisions of this chapter are severable. If this**
27 **chapter or any part of this chapter is found to violate the United**
28 **States Constitution or the Constitution of the State of Indiana, or**
29 **is held invalid for any other reason, the validity of the remainder**
30 **of this chapter shall not be affected."**

31 Page 4, delete lines 4 through 6.

32 Renumber all SECTIONS consecutively.

(Reference is to HB 1349 as reprinted February 3, 2004.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 2.

Senator Long, Chairperson